



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

Louisiana itself, the use of river banks is limited to that dictated by nothing less than a reasonable necessity. *Bass v. State*, 34 La. Ann. 494, which the United States Supreme Court refused to follow in *Hollingsworth v. Parish of Tensas*, 17 Fed. 109; *Hunter v. Moore*, 44 Ark. 184; *O'Fallon v. Daggett*, 4 Mo. 343. Although the latter case has frequently been invoked to support the argument for a liberal doctrine in favor of the public, the rule therein established is restrictive, and the court in *Smith v. City of St. Louis*, 21 Mo. 36, subsequent to a discussion of *O'Fallon v. Daggett*, says, "We are not aware that the Spanish law, in relation to riparian grants on the Mississippi, in Louisiana, has ever been considered as obtaining in Missouri."

**PRIZE LAW—ENEMY GOODS—TRANSFER IN TRANSITU.**—A cargo of tea consigned to a German firm at Bremen was shipped from a Chinese port in July, 1914, on a German vessel. Upon learning of the outbreak of war, the vessel took refuge on August 7, 1914, in the neutral port of Padang in Sumatra, where the cargo was unshipped and stored. In 1916 the tea was sold to a Dutch firm in Amsterdam. Fresh bills of lading were made out and the tea was reshipped on a Dutch steamship for London. It was discharged and warehoused at the port of London, where it was seized as prize. The tea was claimed as neutral property. *Held*, that the transfer *in transitu* was ineffective to defeat the belligerent's right of capture. *The Bawean* (1917), 14 Asp. M. C. 255.

The rule was well established, at least as early as the time of Lord STOWELL, that risk of capture once incurred cannot be divested by transfer *in transitu*. See *The Vrow Margaretha* (1799), 1 C. Rob. 366; *The Packet De Bilboa* (1799), 2 C. Rob. 133; *The Carl Walter* (1802), 4 C. Rob. 207; *The Jan Frederick* (1804), 5 C. Rob. 128. The rule has been criticized as peculiarly favorable to sea power. It has always been unpopular among neutral traders, among whom there has been a good deal of misapprehension with respect to its real significance. It will hardly be relaxed, however, while war and the right of capture are recognized. See *The Southfield* (1915), 13 Asp. M. C. 150; *The Bawean*, *supra*. Compare *The United States* (1916), 13 Asp. M. C. 568. The *raison d'être* for the rule was cogently stated by Mr. Justice STORY as follows: "Such contracts, however valid in time of peace, are considered, if made in war or in contemplation of war, as infringements of belligerent rights, and calculated to introduce the grossest frauds. In fact, if they could prevail, not a single bale of enemy's goods would ever be found upon the sea." *The Ship Ann Green* (1812), 1 Gall. 274, 291.

**PRIZE LAW—NEUTRAL OR ENEMY CHARACTER OF MERCHANT SHIPS.**—Article 57 of the Declaration of London provided that the neutral or enemy character of a merchant ship should be determined by the flag which the vessel is entitled to fly. It was urged by the drafting committee, in its report to the Naval Conference, that this test should be relied on exclusively and all considerations connected with the personal status of the owner discarded. The futility of such artificial tests and the ruthless elimination of technicality from prize law are well illustrated in two of the more recent English prize cases. *The Proton* was registered as a Greek ship and entitled to fly the Greek flag.